

FILED

MAR 01 2006


CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

CENTRAL DIVISION

UNITED STATES OF AMERICA,

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CR 05-30105

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Plaintiff,

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-vs-

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ORDER AND OPINION

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ABEL MORAN,

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Defendant.

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Defendant filed a motion for suppression of statements (Doc. 15) with a supporting memorandum (Doc. 16). U.S. Magistrate Judge Moreno conducted an evidentiary hearing on December 16, 2005, and filed and served a report and recommendation for disposition of the motion (Doc. 29). The Court has conducted a *de novo* review of the transcript of the hearing (Doc. 30), the transcript of the findings made on the record by the magistrate (Doc. 31), and all the files and records herein. I have also read all exhibits from the hearing. Defendant has filed objections to the recommendation of the magistrate and the objections have been considered.

The objections should be overruled, the motion denied, and the report and recommendation accepted.

Now, therefore,

IT IS ORDERED, as follows:

1) The motion for suppression of evidence in the nature of statements (Doc. 15) is hereby denied.

2) The objections of the defendant should be and are hereby overruled and the report and recommendation (Doc. 29) as well as the findings made by the magistrate (Doc. 31) should be and are hereby adopted.

Dated this 15th day of March, 2006.

BY THE COURT:


CHARLES B. KORNMAN
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY  DEPUTY
(SEAL)